

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of DORI' ASIA ADAMS, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DORITA ADAMS,

Respondent-Appellant.

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UNPUBLISHED

March 6, 2007

No. 271324

Genesee Circuit Court

Family Division

LC No. 03-117364-NA

Before: Hoekstra, P.J., and Markey and Wilder, JJ.

MEMORANDUM.

Respondent appeals as of right the order of the trial court terminating her parental rights to her minor child pursuant to MCL 712A.19b(3)(c)(i), (g), (j), and (l). We affirm.

Respondent contends that the trial court erred in failing to produce a transcript of a hearing held before the trial court on November 8, 2003, and thereby hindered respondent's ability to challenge issues on appeal allegedly related to that hearing. Also, based on the absence of a record, respondent claims a statutory and constitutional violation of her right to an attorney at the November 8, 2003 hearing. In an appeal to this Court, the appellant is responsible for securing the filing of the trial court transcript. MCR 7.210(B)(1)(a). Where a transcript is unavailable, MCR 7.210(B)(2) requires the appellant to file a settled statement of facts as a substitute for the transcript. This is obtained by the appellant filing a proposed statement of facts with the trial court, after which the trial court entertains objections. The trial court is then required to certify a statement of facts as an "accurate, fair, and complete statement of the proceedings before it," and the statement of facts, together with the certifying order, is then filed with this Court. MCR 7.210(B)(2). In this case, respondent failed to seek a settling of the record from the circuit court, and she cannot now allege error by the trial court for the missing record.

Next, we find without merit respondent's contention that she was denied the effective assistance of counsel because she was represented by various attorneys at different stages of the proceedings. Respondent has failed to preserve this issue by requesting an evidentiary hearing or a new trial. See *People v Sabin (On Second Remand)*, 242 Mich App 656, 658-659; 620 NW2d 19 (2000). Moreover, respondent has failed to establish that any of her attorneys' performances fell below the standard of objective reasonableness, or that that the representation so prejudiced

her that she was denied a fair trial. See *In re CR*, 250 Mich App 185, 198; 646 NW2d 506 (2002).

Finally, we find unavailing respondent's contention that the trial court erred by terminating her parental rights because she would not take the prescription drug, Paxil. Contrary to respondent's characterization, the trial court did not penalize respondent for failing to take the prescribed medication. Rather, the trial court found that respondent had complied with some aspects of the agency's plan for reunification, but had failed to address her ongoing marijuana addiction. Specifically, although the case had been pending before the trial court for two-and-a-half years, respondent by her own admission continued to use marijuana several times each day and refused to participate in drug treatment. In addition, the trial court found that respondent had not resolved her ongoing domestic violence issue. The trial court therefore found that termination was warranted pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We agree that these findings are supported by the record. In addition, the trial court did not err when it found that termination was warranted under MCL 712A.19b(3)(l) because respondent's parental rights to two other children had been terminated previously.

Affirmed.

/s/ Joel P. Hoekstra  
/s/ Jane E. Markey  
/s/ Kurtis T. Wilder